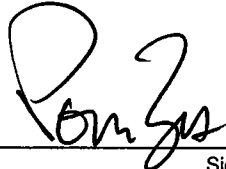


Doc Code: AP.PRE.REQ

PTO/SB/33 (07-05)

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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional)	
		112740-184	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]  on _____  Signature _____  Typed or printed name _____	Application Number	Filed	
	09/786,063	July 10, 2001	
	First Named Inventor		
	Stefan Hennen et al.		
	Art Unit	Examiner	
	2616	Bob A. Phunkulh	
Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.			
This request is being filed with a notice of appeal.			
The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.			
I am the			
<input type="checkbox"/> applicant/inventor.		Signature	
<input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)		Peter Zura	
<input checked="" type="checkbox"/> attorney or agent of record.      48,196		Typed or printed name	
Registration number _____		312-807-4208	
<input type="checkbox"/> attorney or agent acting under 37 CFR 1.34.		Telephone number	
Registration number if acting under 37 CFR 1.34 _____		August 9, 2006	
		Date	
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.			
<input checked="" type="checkbox"/> *Total of <u>1</u> forms are submitted.			

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s): Stefan Hennen et al.  
Appl. No.: 09/786,063  
Conf. No.: 6452  
Filed: July 10, 2001  
Title: TELECOMMUNICATION SYSTEM AND METHOD FOR TRANSMITTING  
DATA AND TELECOMMUNICATION SYSTEM SYNCHRONIZATION  
METHOD  
Art Unit: 2661  
Examiner: Bob A. Phunkulh  
Docket No.: 112740-184

MAIL STOP AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PRE-APPEAL BRIEF REQUEST FOR REVIEW**

**EXPEDITED PROCEDURE REQUESTED, TECHNOLOGY CENTER 2600**

Sir:

This request is submitted in response to the Final Office Action dated March 9, 2006 and Advisory Action dated June 19, 2006. This request is filed contemporaneously with USPTO form PTO/SB/33, "Pre-Appeal Brief Request for Review" and form PTO/SB/31, "Notice of Appeal."

**Remarks** begin on page 2 of this paper.

### **REMARKS**

Claims 28-54 are pending in the present application. Claims 28, 37 and 47 are the focus of this request.

Claims 28-33, 37-42 and 45-52 were rejected under 35 U.S.C §102(e) as being anticipated by *Wolf* (US Patent 6,163,551). Claims 34-36, 43-44 and 53-54 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Wolf* (US Patent 6,163,551) in view of *Wolf* (US Patent 5,886,996). Applicant respectfully submits the rejections are improper and requests reversal by this board.

Specifically, *Wolf* fails to disclose the feature of “a converter in the at least one interface unit which converts the data describing the quality of the clock signal into messages, the format of the messages *being independent of a format of the data transmitted*, and which transmits the messages to the device for assessment” as recited in independent claim 28 and similarly recited in independent claim 37 (“receiving data, from the at least one transmission network and in a format used in the at least one transmission network, which describes a quality of the clock signal supplied; converting the data into messages of a format which is independent of the format of the received data”) and claim 47 (“generating a message describing the quality in a format which is independent of formats of the data to be transmitted; converting the messages into data of a format used in the at least one transmission network”).

As was previously submitted, the present claims address issues where clock signal qualities received from the interface cards must be assessed by a processor to determine which type of standardized format the clock signals supplied belongs to (e.g., PDH, SDH, SONET) in order to effect synchronization. Since the clock signal quality information items provided by the different interface types are in different formats, the clock signal qualities from different interface types must be treated separately in the main processor. Accordingly, the main processor requires subunits to provide additional and separate processing for each of the clock signal quality information according to the format (PDH, SDH, SONET). Under the recited claims, the clock signal quality is processed according to a single algorithm in the system using an independent format, where conventional differentiation between the interface type is no longer required.

*Wolf* teaches a communication system operating according to the synchronous digital hierarchy (SDH) or synchronous optical network (SONET) standard (col. 3, lines 6-10), where interface units are divided between “top” and “bottom” sides of the network elements to determine hierarchically which interface units will participate in synchronization (col. 3, lines 16-21; col. 4, lines 19-27). Each of the interface units are connected to a selection unit (1) and control unit (7) to determine hierarchical position and selection during operation (FIG. 1). As the interface units receive incoming clock signals (STM-N), the interface units generate a synchronization quality marker using a synchronization status message (SSM) and forward them to the control unit (col. 3, lines 28-40; see Abstract). Once the quality markers are received at the control unit, the control unit processes the quality markers (SSM) and makes a determination as to which qualities are acceptable (col. 3, line 56 - col. 4, line 7)

It should be noted that “STM” is well-known in the art as “Synchronous Transmission Module” and is the basic rate of transmission of the SDH network transmission standard (also of which SSM is a part of). Accordingly, *Wolf* clearly describes a synchronization system that operates *entirely under a single format* (see col. 3, lines 6-10). It cannot be reasonably asserted that generating service status messages (SSM) based off of STM clock signals is somehow “converting” the data describing the quality of the clock signal into messages, where the format of the messages is independent of a format of the data transmitted, as alleged in the Advisory Action. As argued above, the SSM messages are directly dependent on the SDH (or SONET) format under which the system is operating from.

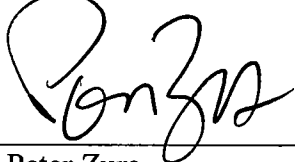
Furthermore, with specific regard to claims 28 and 37, the converting occurs before the quality of the clock signal is assessed (“transmits the messages to the device for assessment”). *Wolf* clearly fails to show such a configuration, and the Final Office Action/Advisory Action fails to address this deficiency.

In light of the above, Applicants respectfully submit that independent claims 28, 37 and 47 of the present application as well as the respective dependant claims are both novel and non-obvious over the art of record. Accordingly, Applicant respectfully requests the rejection be reversed and that a timely Notice of Allowance be issued in this case. If any fees are due in connection with this

Application No.: 09/786,063  
Notice of Appeal and Pre-Appeal Brief Request  
Responsive to Final Rejection dated March 9, 2006

application as a whole, the office is hereby authorized to deduct said fees from Deposit Account  
No.: 02-1818.

Respectfully submitted,  
BELL, BOYD & LLOYD LLC

BY 

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Dated: August 9, 2006